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09/540,674	03/31/2000	Reza Majidi-Ahy	164.1001.01	2065

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EXAMINER

SMITH, SHEILA B

ART UNIT PAPER NUMBER

2685

DATE MAILED: 11/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

*Handwritten signature*

# Office Action Summary

Application No.

09/540,674

Applicant(s)

MAJIDI-AHY, REZA

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mitts et al. (U. S. Patent Number 5,896,373) in view of Norman et al. (U. S Patent Number 6,049,533).

***Regarding claims 1-5,9,12,13,15-18,22,25,26,28-31,38,39*** Mitts et al. discloses essentially all the claimed invention as set fourth in the instant application, further Mitts et al. discloses method for executing handover in a radio extension of an atm network. In addition Mitts et al. discloses a wireless sending a message from a BSC (col. 5 line3-29), BSC controlling a cell to one customer equipment sending a message from the cell to a point associated BSC, however Mitts et al. fail to specifically disclose (2) a second access point and (b) readapts or reschedules messages.

In the same field of endeavor, Norman et al. discloses a network communication system with information rerouting capabilities. In addition Norman et al. discloses (1) the use of a multiple access points (42) as exhibited in figure 2. Norman et al. further discloses in (column 4 lines 1-4, the access points automatically reroute misdirected information packets to the access point with which the mobile unit is currently registered) which reads on readapt or reschedule due to the fact of a failure to transmit the message initially.

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Mitts et al by modifying method for executing handover in a radio extension of an atm network with the use of readapts or reschedules messages, as taught by Norman et al. for the purpose a proper transmission.

***Regarding claims 6,19,23,24,32,36,37***, Mitts et al. discloses everything claimed, as applied above (see claim 1) additionally, however, Mitts et al fails to specifically disclose the use of a first access point is located within a cell, and second access point is located outside the cell.

In the same field of endeavor, Norman et al. discloses a network communication system with information rerouting capabilities. In addition Norman et al. discloses the use of a first access point (42), is located within a cell (44), and second access point (AP2) is located outside the cell as exhibited in figure 2, and disclosed in column 7 lines 1-7.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Mitts et al by modifying method for executing handover in a radio extension of an atm network with the use of a first access point is located within a cell, and second access point is located outside the cell, as taught by Norman et al. for the purpose of reducing cellular traffic.

***Regarding claims 7-9,20,21,33-35*** Mitts et al. discloses everything claimed, as applied above (see claim 1) additionally, however, Mitts et al fails to specifically disclose the use of sending from a source is at lease partially wireless.

In the same field of endeavor, Norman et al. discloses a network communication system with information rerouting capabilities. In addition Norman et al. discloses the use of sending from a source is at lease partially wireless and disclosed in column 1 lines 53-55.

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Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Mitts et al by modifying method for executing handover in a radio extension of an atm network with the use of sending from a source is at lease partially wireless, as taught by Norman et al. for the purpose of reducing cellular traffic.

***Regarding claims 6,10,11,19,23,24,32,36,37***, Mitts et al. discloses everything claimed, as applied above (see claim 1) additionally, however, Mitts et al fails to specifically disclose the use of a first access point is located within a cell, and second access point is located outside the cell.

In the same field of endeavor, Norman et al. discloses a network communication system with information rerouting capabilities. In addition Norman et al. discloses the use of a first access point (42), is located within a cell (44), and second access point (AP2) is located outside the cell as exhibited in figure 2, and disclosed in column 7 lines 1-7.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Mitts et al by modifying method for executing handover in a radio extension of an atm network with the use of a first access point is located within a cell, and second access point is located outside the cell, as taught by Norman et al. for the purpose of reducing cellular traffic.

***Regarding claims 14, 27***, Mitts et al. discloses everything claimed, as applied above (see claim 1) additionally, however Mitts et al fails to specifically disclose the use of wireless communication equipment including an antenna a transmitter and a receiver and a processor that controls the equipment, and memory.

In the same field of endeavor, Norman et al. discloses a network communication system with information rerouting capabilities. In addition Norman et al. discloses the use of a

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wireless communication equipment (MU) including an antenna (48), a transmitter and a receiver (80,82), and a processor (70) and memory (76) that controls the equipment as exhibited in figure 4, and disclosed in column 8 lines 60-67.

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to improve Mitts et al by modifying method for executing handover in a radio extension of an atm network with the use of a first access point is located within a cell, and second access point is located outside the cell, as taught by Norman et al. for the purpose of reducing cellular traffic.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-39 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-6306 for regular communications and (703)308-6296 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

S. Smith

November 15, 2002



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